

## **II. RESPONSE TO OFFICE ACTION**

Claims 10, 16-21, 23-34, 55-56, 60-62, 64, 66-76, 78-80 and 82-86 have been amended to even more particularly point out and claim the subject matter of the claims. Claims 77 and 81 have been cancelled, and new claims 87-95 have been added.

Claims 9-21, 23-35, 52, 54-76, 78-80 and 82-95 are pending in the present application.

### **A. The Examiner Interview**

Applicant wishes to thank Examiner Holzen for the granting an interview on October 2, 2006. During the interview the sample claims attached hereto as Attachment A were discussed, and Examiner Holzen agreed to consider any submitted amendments to the pending claims based on the sample claims of Attachment A. Examiner Holzen also indicated that the form of the sample claims appeared to address the position of the last Office Action regarding structure not specifically required by the method steps of the previously pending claims.

### **B. The 35 USC Rejection Over Newton**

Applicant believes that the claims previously on file were properly worded method claims. However, submitted herewith are amendments that include changes to the wording of the claims to further emphasize the method limitations of the claims.

Amended independent claim 20 corresponds to sample claim 1 of Attachment A with the exception that amended claim 20 recites “providing a fixed wing host aircraft having a side cargo opening” rather than “providing a fixed wing host aircraft having a side cargo door” in order to provide antecedent basis for dependent claims. Amended claim 20 no longer recites both “baggage or cargo hold” and “passenger compartment” limitations. Instead, amended claim 20 recites “baggage or cargo hold” limitations, and new claim 88 (discussed below) has been added to recite “passenger compartment” limitations.

Amended independent claim 20 recites in part “sequentially loading said two or more modular aerial dispersant holding tanks through said side cargo opening of said fixed wing host aircraft into a baggage or cargo hold of said fixed wing host aircraft” and “removing said two or more modular aerial dispersant holding tanks from said baggage or cargo hold of said fixed wing host aircraft through said side cargo opening of said fixed wing host aircraft.” Newton fails to disclose, teach or suggest such a limitation, and for at least this reason claim 20 and the claims dependent therefrom are novel and non-obvious over Newton.

Amendments to independent claim 33 have been made to further emphasize the method limitations of this claim. Amended independent claim 33 recites, in part, “installing and removing said two or more modular aerial dispersant holding tanks within a baggage or cargo hold of said fixed wing host aircraft using a side-loading aircraft cargo system of said fixed wing host aircraft” or “installing and removing said two or more aerial dispersant holding tanks within a passenger compartment of said fixed wing host aircraft through a passenger door opening of said fixed wing host aircraft.” Newton

fails to disclose, teach or suggest such limitations, and for at least this reason claim 33 and the claims dependent therefrom are novel and non-obvious over Newton.

Amended independent claim 64 corresponds to sample claim 3 of Attachment A with the exception that it recites “by providing and installing one or more aerial dispersant holding tanks” rather than “by installing one or more aerial dispersant holding tanks.” Amended claim 64 recites, in part, “operating said fixed wing wide body host aircraft in conventional passenger or conventional cargo configuration for commercial passenger or commercial cargo use; then converting said fixed wing wide body host aircraft for aerial dispersion operations by providing and installing one or more aerial dispersant holding tanks within said fixed wing wide body host aircraft; then aerially dispersing one or more materials from said one or more aerial dispersant holding tanks installed within said fixed wing wide body host aircraft; then returning said fixed wing wide body host aircraft to said conventional passenger or conventional cargo configuration by removing said one or more aerial dispersant holding tanks from said fixed wing wide body host aircraft; and then operating said fixed wing wide body host aircraft for commercial passenger or commercial cargo use.” Newton fails to disclose, teach or suggest such limitations, and for at least this reason claim 64 and the claims dependent therefrom are novel and non-obvious over Newton.

For the above reasons, each of pending claims 9-21, 23-35, 52, 54-76, 78-80 and 82-86 are novel and non-obvious over Newton. Favorable reconsideration is requested.

**C. New Claims 87-95**

New dependent claim 87 depends from amended independent claim 34 and is novel and non-obvious for the reasons given above.

New independent claim 88 corresponds to sample claim 2 of Attachment A. New independent claim 88 recites, in part, “sequentially loading said two or more modular aerial dispersant holding tanks into said aircraft passenger compartment of said fixed wing host aircraft through said passenger door opening of said fixed wing host aircraft” and “removing said two or more modular aerial dispersant holding tanks from within said passenger compartment of said fixed wing host aircraft through said passenger door opening of said fixed wing host aircraft.” Newton fails to disclose, teach or suggest such a limitation, and for at least this reason new claim 88 and the claims dependent therefrom are novel and non-obvious over Newton.

New claim 95 corresponds to sample claim 4 of Attachment A. Newton fails to disclose, teach or suggest the limitations of claim 95 and therefore claim 95 is novel and non-obvious over Newton.

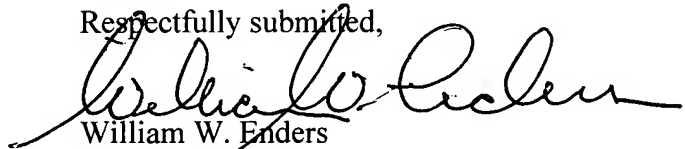
**D. Conclusion**

Applicant submits that the pending claims are in condition for allowance.

Reconsideration of the application and claims is courteously solicited.

The Examiner is invited to contact the undersigned attorney at (512)-347-1611 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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## DRAFT SAMPLE CLAIMS FOR U.S. PATENT APPLICATION SERIAL NO.

10/676,842



A method of temporarily converting at least one fixed wing host aircraft for aerial dispersion purposes, comprising:

providing a fixed wing host aircraft having a side cargo door;

providing two or more modular aerial dispersant holding tanks, said aerial dispersant holding tanks being configured to be compatible with a side-loading aircraft cargo system of said fixed wing host aircraft;

sequentially loading said two or more modular aerial dispersant holding tanks through said side cargo door of said fixed wing host aircraft into a baggage or cargo hold of said fixed wing host aircraft;

coupling said two or more modular aerial dispersant holding tanks together within said baggage or cargo hold of said fixed wing host aircraft to provide a dispersant material flow path; and

providing a dispersal regulator and airborne dispersal device coupled to said two or more aerial dispersant holding tanks coupled together within said baggage or cargo hold of said fixed wing host aircraft; and

then removing said two or more modular aerial dispersant holding tanks from said baggage or cargo hold of said fixed wing host aircraft through said side cargo door of said fixed wing host aircraft.

2. A method of temporarily converting at least one fixed wing host aircraft for aerial dispersion purposes, comprising:

providing a fixed wing host aircraft having a passenger compartment and a passenger door opening;

providing two or more modular aerial dispersant holding tanks, said aerial dispersant holding tanks being configured for installation and removal from said passenger compartment of said fixed wing host aircraft through said passenger door opening of said fixed wing host aircraft;

sequentially loading said two or more modular aerial dispersant holding tanks into said aircraft passenger compartment of said fixed wing host aircraft through said passenger door opening of said fixed wing host aircraft;

coupling said two or more modular aerial dispersant holding tanks together within said within said passenger compartment of said fixed wing host aircraft to provide a dispersant material flow path; and

providing a dispersal regulator and airborne dispersal device coupled to said two or more aerial dispersant holding tanks coupled together within said passenger compartment of said fixed wing host aircraft; and

then removing said two or more modular aerial dispersant holding tanks from within said passenger compartment of said fixed wing host aircraft through said passenger door opening of said fixed wing host aircraft.

3. A method of temporarily converting at least one fixed wing wide body host aircraft for aerial dispersion operations, comprising:

providing a fixed wing wide body host aircraft;

operating said fixed wing wide body host aircraft in conventional passenger or conventional cargo configuration for commercial passenger or commercial cargo use;

then converting said fixed wing wide body host aircraft for aerial dispersion operations by installing one or more aerial dispersant holding tanks within said fixed wing wide body host aircraft;

then aerially dispersing one or more materials from said one or more aerial dispersant holding tanks installed within said fixed wing wide body host aircraft;

then returning said fixed wing wide body host aircraft to said conventional passenger or conventional cargo configuration by removing said one or more aerial dispersant holding tanks from said fixed wing wide body host aircraft; and

then operating said fixed wing wide body host aircraft for commercial passenger or commercial cargo use.

4. A method of temporarily converting two or more fixed wing host aircraft for aerial dispersion purposes, comprising:

providing two or more fixed wing host aircraft;

providing and loading one or more aerial dispersant holding tanks into each of said two or more fixed wing host aircraft;

providing a control subsystem for each of said two or more fixed wing host aircraft, said control subsystem being configured to control at least one of



material dispersement or flight characteristics of said fixed wing host aircraft;

providing communication between said control subsystem of each of said two or more fixed wing host aircraft and at least one of a ground source or another airborne source;

controlling aerial dispersion operations of said two or more fixed wing host aircraft as a fleet by communicating from at least one of said ground source or said another airborne source to said control subsystem of each of said two or more fixed wing host aircraft to provide common control to direct at least one of flight path or release of materials from each of said two or more fixed wing host aircraft and to aerially disperse said one or more materials from said fleet of two or more fixed wing host aircraft in a coordinated manner; and

then removing said one or more modular aerial dispersant holding tanks from each of said two or more fixed wing host aircraft.

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